

STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES

In The Matter Of:

CENTURY MORTGAGE, INC., RONALD
BURGER, DESIGNATED BROKER AND
OWNER, DALE SAGE GIBBONS,
OWNER, DWAIN R. KLEIN, OWNER,
GENE ARTHUR TAYLOR, MICHAEL
DEASY, CURTIS ORVICK, JON WEBB,
SCOTT TOLLEFSON, DAVID BURGER,
AND MARK HODGE,

Respondents

NO. C-02-285-04-CO05

OAH Case No. 2002-DFI-0006

CONSENT ORDER
BETWEEN THE DEPARTMENT AND
MARK HODGE

COMES NOW the Acting Director, Division of Consumer Services, Department of Financial Institutions, (Acting Director), Chuck Cross and Mark Hodge (hereinafter referred to as “Respondent Mark Hodge”), by and through his attorney, David E. Eash, and finding that the issues raised in the captioned matter may be economically and efficiently settled, agree to the entry of this Consent Order. This Consent Order is entered pursuant to chapter 19.146 of Revised Code of Washington (RCW), and RCW 34.05.060 of the Administrative Procedure Act, based on the following:

AGREEMENT AND ORDER

The Department of Financial Institutions, Division of Consumer Services (Department) and Respondent Mark Hodge have agreed upon a basis for resolution of the matters alleged in Statement of Charges and Notice of Intention to Enter an Order To Revoke License, Prohibit from Participation in Industry and Assess Monetary Penalties (“Statement of Charges”) No. C-02-285-02-SC04 issued August 26, 2002 (copy attached hereto). Pursuant to chapter 19.146 RCW, the Mortgage Broker Practices Act (Act) and RCW 34.05.060 of the Administrative Procedure Act, Respondent Mark Hodge, hereby agrees to the Department’s entry of this Consent Order and further

agrees that the issues raised in the above captioned matter may be economically and efficiently settled by entry of this Consent Order. The parties intend this Consent Order to fully resolve the Statement of Charges as it relates to Respondent Hodge and agree that Respondent Hodge does not admit any wrongdoing by its entry. Respondent Hodge is agreeing not to contest said Statement of Charges in consideration of the terms of this Consent Order.

Based upon the foregoing:

A. **Jurisdiction.** It is AGREED that the Department has jurisdiction over the subject matter of the activities discussed herein.

B. **Consent to Be Bound By Order.** It is AGREED that the parties shall be bound by the terms and conditions of this Consent Order as set forth herein.

C. **Waiver of Hearing.** It is AGREED that Respondent Mark Hodge has been informed of his right to a hearing before an administrative law judge, and that he has waived same right to a hearing and any and all administrative and judicial review of the issues raised in this matter, or of the resolution reached herein. Accordingly, Respondent Mark Hodge agrees to dismiss his appeal and to inform the Office of Administrative Hearings in writing of his dismissal.

D. **Non-Compliance with Order.** It is AGREED that Respondent Mark Hodge understands that failure to abide by the terms and conditions of this Consent Order may result in further legal action by the Director. In the event of such legal action, Respondent Mark Hodge may be responsible to reimburse the Director for the cost incurred in pursuing such action, including but not limited to, attorney fees.

E. **Prohibition from Industry.** It is AGREED that Respondent Mark Hodge be prohibited from participating in the mortgage broker industry for ten (10) years in any capacity,

including but not limited to: (1) any financial capacity whether active or passive or (2) as an officer, director, principal, employee, or loan originator.

F. **Application for Mortgage Broker License.** It is AGREED that Respondent Mark Hodge refrain from applying for a mortgage broker license or branch license under any name from the Department for a period of 10 years.

G. **Fine.** It is AGREED that, should Respondent Mark Hodge apply to the Department for any license at any time after ten (10) years from the date of entry of this Consent Order, Respondent Mark Hodge shall pay to the Department a fine of \$1,000 representing a compromise with respect to alleged violations of RCW 19.146.0201.

H. **Complete Cooperation with the Department (statements).** It is AGREED that Respondent Mark Hodge provide the Department truthful and complete sworn statements outlining his activities with respect to Century Mortgage, Inc. and any and all persons involved or in any way associated with Century Mortgage, Inc., including but not limited to the named Respondents, employees, businesses and persons with whom Century Mortgage, Inc. dealt, communicated, or otherwise related. The “sworn statements” may take the form of affidavits, declarations, or deposition testimony, at the Department’s discretion.

I. **Complete Cooperation with the Department.** It is AGREED that Respondent Mark Hodge cooperate fully, truthfully and completely with the Department and provide any and all information known to him relating in any manner to Century Mortgage, Inc. and any and all persons involved or in any way associated with Century Mortgage, Inc., including but not limited to the named Respondents, employees, businesses and persons with whom Century Mortgage, Inc. dealt, communicated, or otherwise related. It is further AGREED that Respondent Mark Hodge provide any and all documents, writings or materials, or objects or things of any kind in his possession or under his care, custody, or control relating directly or indirectly to all areas of

inquiry and investigation. A failure to cooperate fully, truthfully and completely is a breach of this Consent Order. It is further AGREED that Respondent Mark Hodge testify fully, truthfully and completely at any proceeding related to the Department's investigation and enforcement actions related to this matter, including, but not limited to Century Mortgage, Inc. and the named Respondents.

J. **Authority to Execute Order.** It is AGREED that the undersigned has represented and warranted that he has the full power and right to execute this Consent Order on behalf of the party represented.

K. **Voluntarily Entered.** It is AGREED that the undersigned Respondent Mark Hodge has voluntarily entered into this Consent Order, which is effective when signed by the Director's designee.

L. **Completely Read, Understood, and Agreed.** It is AGREED that Respondent Mark Hodge has read this Consent Order in its entirety and fully understands and agrees to all of the same.

/s/
MARK HODGE

02/18/2004
DATE

/s/
DAVID E. EASH
Attorney at Law
Attorney for Respondent Mark Hodge

02/20/2004
DATE

IT IS SO ORDERED.

Dated and Entered this 24th day of February, 2004.

/s/
CHUCK CROSS, Acting Director
Division of Consumer Services
Department of Financial Institutions